

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES

Case No. 03-CR-10356-MLW

v.

FREDERICK A. SIMONE, (1)  
a/k/a FREDDY, a/k/a  
THE NEIGHBOR;

VINCENT C. GIACCHINI, (2)  
a/k/a DEE DEE; and

FRANCIS WHITE, (3)  
a/k/a THE WHITE-HAIRED GUY

**GOVERNMENT'S RESPONSE TO DEFENDANT FREDERICK SIMONE'S  
MOTION TO MODIFY CONDITIONS OF RELEASE**

The United States of America, by and through its attorney, the United States Attorney for the District of Massachusetts, hereby files respectfully its Response to the May 17, 2004<sup>1</sup> Motion to Amend the Terms and Conditions of Bail filed by Defendant Frederick Simone ("Simone"). After consulting with Pretrial Services Officer Christopher Wylie, the government responds to Simone's numbered paragraphs as follows:

1. After Simone provides verification to the satisfaction of Pretrial Services of the identity and address of the physician with whom Simone has a longstanding history, the government will agree that Simone may visit his physician for verified

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<sup>1</sup>Simone's Motion bears this date but has not yet been docketed. The government files its response today as ordered by the Court.

prescheduled appointments, only after seeking and obtaining advanced permission from Pretrial Services and an advanced written Order from the Court on a case-by-case basis.<sup>2</sup> The government otherwise opposes Simone's request to travel to the state from which charged federal offenses have arisen in this case. (See, e.g., Nov. 20, 2003 Indictment at Counts 1, 11-13 (charging violations of 18 U.S.C. §1952 against Simone and others for travel between Rhode Island and Massachusetts in aid of racketeering).)

2. The government assents to Simone's request to pickup Pamela Harris-Daley's child at and upon dismissal from his school no more than three times per week, provided that Simone's total time away from home does not exceed 15 to 30 minutes, consistent with Simone's estimate. The government requests that Simone be required to report and explain by telephone to Pretrial Services any unanticipated and substantial delays during such trips upon returning to his home.

Respectfully submitted,  
MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Colin Owyang  
ERNEST DiNISCO  
COLIN OWYANG  
Assistant U.S. Attorneys

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<sup>2</sup>Any medical emergencies will presumably be handled locally by the nearest appropriate provider.

**CERTIFICATE OF SERVICE**

I, Colin Owyang, do hereby certify that I served a copy of the foregoing pleading by first-class mail on May 19, 2004 on counsel for defendant Frederick Simone, Kevin J. Reddington, Esq., 1342 Belmont Street, Suite 203, Brockton, MA 02301.

/s/ Colin Owyang

Colin Owyang

Assistant U.S. Attorney